



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,265	07/06/2001	Kazuhiro Yabuta	JP920000193US1	7588
7590	01/28/2005		EXAMINER	
A. Bruce Clay IBM Corporation T81/503 PO Box 12195 Research Triangle Park, NC 27709			FADOK, MARK A	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,265

Applicant(s)

YABUTA ET AL.

Examiner

Mark Fadok

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 October 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 and 10-12 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 6-9 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 July 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| <p>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date <u>10/23/2003</u>.</p> | <p>4)<input type="checkbox"/> Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____</p> <p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6)<input type="checkbox"/> Other: _____</p> |
|---|--|

DETAILED ACTION

Response to Election

The examiner is in receipt of applicant's response to office action dated 9/28/2004. Acknowledgment is made to the election of Group II, claims 6-9 and the withdrawal of claims 1-5 and 10-12 with out traverse.

Examiner's Note

Examiner has cited particular columns and line numbers or figures in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

In regards to claim 6, Tobita discloses a commodity purchasing method through a network, comprising the steps of: receiving a connection request sent from a computer and a connection request sent from a cellular phone which includes an identifier corresponding to an identification code of said cellular phone (Fig 1, col 1, lines 15-20);

determining whether said identifier is included or not (Fig 10);

storing said identifier and user status information associated with said identifier in a database contained in a unit for receiving said connection request (Fig 12); and

Tobita teaches sending different information based on the capabilities of the particular receiving device and determining the delivery method based on an identifier and directing the information in an Http format to an internet service provider (see summary), but does not specifically mention that a different session control is used if no identifier is received. It was old and well known in the art to receive purchase requests through the Internet without the use of an identifier. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include using the system of Tobita to include different session control for those computers without an identifier, because Tobita is capable of being connected to the internet and performing functions such as are accomplished by conventional computer connections and assures that information is provided according to the separate storage and display capabilities of the receiving device (col 1, lines 14-20 and summary). Tobita would be motivated to include providing information to conventional computers, since this would increase the sales of the Information Provider by identifying the increased capabilities of those that do not come from server 2 (Fig 1) as being from a conventional computer and providing the information in a manner commensurate with the capabilities of the conventional computer thus maximizing the efficiency of the displayed information (col 4, lines 33-67).

In regards to claim 7, Tobita teaches wherein said step of executing different session control comprises using history information communicated between said system and said computer if it is determined that said identifier is not included, or using said identifier and said user status information if it is determined that said identifier is included (see response to claim 1).

In regards to claim 8, Tobita teaches wherein said network comprises a first network for communicating with said computer and a second network for communicating with said cellular phone and said method further comprises a step of sending the connection request from said cellular phone through said second network (Fig 1).

In regards to claim 9, Tobita teaches the step of adding said identifier corresponding to said identification code to said connection request sent from said cellular phone (col 13, lines 1-67).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(703) 605-4252**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(703) 308-1344**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(703) 872-9306 [Official communications; including
After Final communications labeled
"Box AF"]

(703) 746-7206 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.



Mark Fadok

Patent Examiner